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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1974

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NO.

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Rev. Donald L. Jackson

V. Petitioner

The Statler Foundation, et al.

---

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

The petitioner prays the Court for a Writ of Certiorari directed to the United States Court of Appeals for the Second Circuit, to the end that this Court may review a decision which that Court has rendered in a case involving the parties above-named. And the petitioner respectfully shows to this Court:

## THE OPINIONS AND ORDERS OF THE COURTS BELOW

The opinion of the United States Court of Appeals for the Second Circuit, September 18, 1974, dismiss the Appeal from the United States District Court for the Western District of New York for lack of jurisdiction, granting two of the defendants costs

## JURISDICTION OF THIS COURT

Jurisdiction to review the Judgment of the Court of Appeals is conferred on this Court by the provisions of 28 U.S.C. 1254 and 28 U.S.C 2350.

## STATEMENT OF THE QUESTIONS PRESENTED FOR REVIEW

1. Plaintiff brings suit against 12 organizations that holds Tax Exemption from United States Government and Tax Exemption from the State of New York, whom all discriminated against Plaintiff for the sole reasons Plaintiff was a Black man and Plaintiff was Poor. That these 12 Tax Exempt organizations have held Tax Exemption status combined adds up to over 288

years. In this 28ó years these organizations have never conducted an election of officers, whereby the public could make nominations and vote These foundations results in only members of their family or officers of a corporation all who must be Wealthy to be a Trustee or Director of these 12 Organizations. That none of these organizations will invest any of their assets in Black businesses. Their excuse is they are afraid they may lose money. Each of these 12 organizations financial report shows they carry loss in their investments each year. The Emerson Foundation has carried loss per year over 100 thousand dollars. That all of the 12 defendants foundations discriminate against Plaintiff, in employment, the right to vote and hold office, in grants and investments and in the Goodyear Foundation, also because Plaintiff is a "Male". That these 12 Tax Exempt organizations violate constitutional provisions, Civil Rights Act and other State and Federals Laws.

2. Is it "USURPATION OF POWER" by District Judge John Curtin, to order "Further proceedings in Civil 74-185 are stayed until further order of the court..." Dated May 6, 1974. On August 5, 1974, I appeared in the District Court, asking that Three-Panel -Court be appointed. Judge Curtin, would not appoint the Three-Judge Court and reimposed his stay. However after I had left the Court on August 5, 1974, Judge Curtin assembled attorneys and instructed them, "Judge further advised the assembled attorneys that in the event that they received any further papers in 74-185 from Reverand Jackson they should return same to him, as all matters have been stayed."
I was not informed of this Order by the Court, the first time I heard of it or read it was attached as Exhibit "E" as "Memorandum" filed with papers by the Law firm Jaeckle, Fleischmann & Mugel, in their Motion papers to United States Court of Appeals Second Circuit, requesting Petitioners Appeal be dismissed dated September 18, 1974. The original lawsuit was filed in

United States District Court for Western New York, in 1971. Judge Curtin Dismissed the lawsuit in 1973, an Appeal was made to United States Court of Appeals for Second Circuit, they Reversed and Remanded the case back in a landmark decision (Jackson vs. Statler Foundation 496 F. 2d 623)(1974). That United States Court of Appeals Second Circuit, stated 496 F. 2d at 626, "Further, the district court should consider requesting that counsel represent appellant. In this regard we note that if appellant's foundation is incorporated it may only appear with counsel." I obtained counsel, and had him to leave all reference of my foundation out of the amended complaint. I continued to inform counsel, we were waisting time, for never in history, has a Black man won a damages lawsuit in that Court.

My plan was to have a Three-Judge-Court appointed, and amend my papers listing Judge Curtin as a Defendant. Judge Regan, the Surrogate Judge, appoints Trustees to the Statler Foundation, he was named a Defendant. Judge Curtin, appoints one of the Directors of Defendant Buffalo Foundation. The Buffalo Foundation, has

operated for over 52 years, without a Black Trustee, Director, Officer or employee and never has invested any of its assets in Black businesses. The same Director appointed by Judge Curtins Court, is also a director of another foundation that also discriminates against Black people.

The Motion was filed for permission to serve Amended complaint. Judge Curtin reserved decision. There was no opposition voiced by any of the defendants attorneys.

I was aware of the fact that because Judge Curtin, was so involved with Attorney Mahoney, a Trustee of the defendant Statler Foundation, and Counsel for the Statler Foundation, Attorney Peter Crotty, was the Chairman of the Trustees of the Statler foundation. It was these two who recommended Judge Curtin to United States Attorney, and later Peter Crotty, resigned as Democratic Chairman of the County Democratic Party, to take the appointment of Federal Judge, something came up barring Mr. Crotty, Mr. Crotty, then recommended Judge Curtin to be the Federal Judge. These three are the best of friends, they visit each other homes.

It seems to be common knowledge that Attorney Mahoney has never lost a case before Judge Curtin. Considering these facts and Judge Curtin bias against me for attacking one of his invested intrest, that it was impossible for me to obtain a fair hearing before Judge Curtin. I then commence working on another lawsuit with some added defendants and on the 26th Day of March 1974, the lawsuit was signed and acknowledge and mailed to United States District Court for the District of Columbia, indicating my reason for filing this lawsuit in that Court. The lawsuit was received in Washington, D. C. Court on March 28, 1974. Since I had a note to the Judge attached to the lawsuit, that it was impossible to obtain a fair hearing, here in Buffalo, someone telephone from District Court in Washington, D. C., to the District Court in Buffalo, which motivated Judge Curtin, to authorize service of the Amended complaint on March 29, 1974. Judge Curtin's decision dated May 6, 1974, he states that the same date he gave permission to serve Amended complaint Plaintiff, file suit in District of Columbia, which statement is not true.

That Judge Curtin's Order dated March 29, 1974, allowing Amended complaint be served, stated a copy of the order must be served with each complaint and that all named defendants had to be served not later than April 15, 1974, and each defendants time to answer was extended to July 29, 1974. I carried the Summons and Complaints to U. S. Marshall's Office two weeks prior to the April 15th date line. I explained to the Clerk or Deputy the Order of Judge Curtin, that the service had to be completed by April 15. I returned to the Marshall's Office on April 15th, and inquired if the Summons and Amended Complaint been served. The same lady presented the file with the Summons and Complaint with a hand written note attached to the Summons & Complaint stating that the Summons & Amended Complaint should not be served until after April 15, 1974, and I was informed that the instructions came from Judge Curtin's office. The Summons & Complaint was served after April 20th. Again we find a secret Order to aid or help the defendants by Judge Curtin, to further protect his invested intrest and to Deprive

Petitioner "Denial of Due Process and Equal Protection of the Law"
Judge Curtin to circumvent obeying State and Federal Civil Rights Laws and to prevent a Summary Judgment against his friends especially to the Buffalo Foundation, who is a defendant in this lawsuit, and Judge Curtin appoints one of the Directors of the Defendant Buffalo Foundation, and to maintain rigid policy never to allow a Black man to win money damages against a White person, Judge Curtin issued the Order Staying All Proceedings, and will not give an Appealable Order to protect his invested intrest.
The other lawsuit No 71-592, that Counsel was handling, Council and myself signed a letter to Judge Curtin, informing him that no further appearance would be made in that lawsuit, for he was withdrawing as Counsel. When the case came up, appearance was made by Petitioner. Judge Curtin, would not dismiss the lawsuit, for this may be an appealable Order. Judge Curtin, adjurned the case two months to December 11, 1974, to further protect his invested intrest. Judge Curtin, is keeping both cases on a Rubber string to prevent either of them from being appealed.

Judge Curtin, by Staying Proceedings prevent himself from being added as a defendant or called as a witness.

3. Did Judge Curtin violate 28 U. S. C. 455:

> "Any justice or judge of the United States shall disqualify himself in any case in which he has a concerned in intrest in any suit, has been counsel is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

4. That United States Supreme Court is asked to grant Certiorari, to review the important question, that provisions of 42 U. S. C. 1971, requies that within twenty days after service of the complaint, a request be filed with the Clerk of the Court for a Three-Judge-Court, that request was submitted to the Court three times in this case. Judge Curtin ignored the request and Ordered a Stay of All Proceedings six months have passed, the section provides:

> "It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every

way expedited."

WAS THIS A DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW?

This lawsuit presented new issues to the Court a demand the Right to Vote and hold office in an organization holding a Tax Exempt Status from United States Government and the State of New York. United States Supreme Court held in Coit vs Green 404 U. S. 997 (1971), Grant of Tax Exemption is "State Action".
United States Supreme Court held in Connor vs. Johnson 420 U. S. 690 (1971)

" A DECREE OF A DISTRICT COURT IS NOT WITHIN THE REACH OF # 5 OF THE VOTING RIGHTS ACT OF 1965.

Therefore Judge Curtins action must be considered by this court as "USURPATION OF POWER" and "DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW."

5. That the Court will be asked to review the important question since Grant of Tax Exemption by the State and Federal Government is Governmental Action, Foundations holding a Tax Exempt Status is arm of State and Federal Government, that foundations do not have

the right to use charitable funds to hire their private lawyers to fight in the Courts to maintain Racial Discrimination and to violate State and Federal Laws. Their action violates 28 U. S. C. 515, 28 U. S. C. 516, 28 U. S. C. 517, and 28 U. S. C. 519.

6. That United States Supreme Court, will be asked to review the entire lawsuit, The Motion for Summary Judgment and the Brief submitted to United States Court of Appeals For Second Circuit, and to grant the Summary Judgment

## CONSTITUTIONAL PROVISIONS, STATUES, AND RULES INVOLVED

Amendment V. XIV, XV of United States Constitution. Statutes, 42 U. S. C. 1971, 42 U. S. C. 1981, 42 U. S. C. 1973, 1965 Voting Rights Act, 1969 Tax Reform Act 42 U. S. C. 1983

## STATEMENT OF THE CASE

That the 12 Defendant Tax Exempt Organizations under Federal and State Tax Exemption laws. Discriminate against Petitioner because he is Black and being poor. That these foundation

only allow rich White people as Trustees or Directors or White people holding high professional positions. In most cases these foundations that are practicing Racial Discrimination, has a lawyer as their Attorney, and also as an officer and Director of the foundation. The Lawyer is an officer of the Court under New York State Laws only lawyers can hold a position in the State Judicial Branch of Government. All of the defendant foundations with the exception of two has a lawyer on their Board of Directors. These Defendants, do not allow Plaintiff to vote or hold office. Most of the foundation officers are members of the family, which are illegal Directors or Trustees under section 3078.03 (5) c (a) or (b) (Family) of the Internal Revenue Code or the foundations are corporate control which violates the I. R. C. That these foundations do not give grants to Blacks on equal basis, do not invest any of their Assets in Black businesses. They all practice Racial Discrimination against Petitioner

REASONS WHY CERTIORARI SHOULD BE GRANTED

1. That this Court cannot allow a District Judge, to use the authority Government as a badge or a shield to allow his fellow associates to violate Petitioners Civil Rights, and then to Order a Stay of Proceedings to keep his decision from being reviewed by another Court. In the Western States many years ago dishonest judges were used exclusively by the upper class of people to dominate and take unfair advantage of the less fortunate and the poor people. The results of the judges dishonesty spread to other Central States and the law was taken into organizations hands (vigilantes) to mete out justice as they decided. this resulted in massacre and many lynchings. These conditions would never had come about if they had honest judges. Today distrust of judges honestly exist and the distrust is growing. Judges takes the oath of office to uphold the Constitution of United States, that Oath goes out of the window so to speak, the first time a Black face comes before the bench of Justice.

2. If the United States Supreme Court failed to review this Stay of proceedings, in a Civil Right Action. This would be allowing a whole new procedure to avoid obeying Civil Rights Laws. The Civil Rights Laws and Constitutional Provisions and Opinions of United States Supreme Court have been in agreement. The action of Judge Curtin is out of step with Civil Rights progress.

3. That this is a Denial of Due Process and Denial of Equal Protection of the Laws. A Review must be made.

CONCLUSION

Upon all that is herein set forth, along with Complaint, Motion for Summary Judgment and Appeal Brief filed in United States Court of Appeals for Second Circuit, which are part of the Record certified by the United States Court of Appeals, the petitioner earnestly prays the Court for a Writ of Certiorari, directed to the United States Court of Appeals for the Second Circuit that this Court may Review the decision which that Court has failed to do.

That allowed the District Court to hold Petitioners lawsuits on a rubber string.

Respectfully submitted,

REV. DONALD L. JACKSON
Petitioner

OPINION OF THE COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

---

NO. 74-2093

---

REV. DONALD L. JACKSON

Plaintiff-Appellant.

v.

THE STATLER FOUNDATION, et al

Defendants-Appellees.

---

Appeal From the United States District Court for the Western District of New York, John Curtin Chief District Judge.

---

Argued and Decided October 18, 1974

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Before Hon. Leonard P. Moore, Hon. James L. Oakes and Hon. William H. Timbers Circuit Judges

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IT IS HEREBY ORDERED THAT THE MOTION MADE HEREIN BY COUNSEL FOR THE DEFENDANTS DATED SEPTEMBER18, 1974 TO

dismiss the appeal from the United States District Court for the Western District of New York for lack of jurisdiction with costs that the motion to dismiss be and it hereby is granted

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UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF NEW YORK

---

REV. DONALD L. JACKSON

Plaintiff

-vs- Civil-1974-185

THE STATLER FOUNDATION, et al.,

Defendants

---

These actions, both presently pending, have almost similar allegations, parties and seek essentially the same relief. In both plaintiff alleges racial discrimination by the foundation defendants in that they refused to hire him as a director, refused to give scholarships to his children and refused money to his foundation grants. He also alleges a pattern of discriminatory employment and investment by the foundation.



On motion of the defendants in Civil 1971-592, the court filed an order on March 7, 1973 dismissing the complaint. On December 4, 1973, the United States Court of Appeals for the Second Circuit reversed and remanded for further proceedings, In its decision, the appeals court suggested

that the plaintiff be given leave to amend his complaint, join additional parties and allege additional facts if he desired. The court also provided that "the district court should consider requesting that counsel represent appellant," After remand, the plaintiff obtained counsel and, on March 29, 1974, the court granted an order permitting the filing of an amended complaint and the adding of new defendants.

On the same day the plaintiff, proceeding pro se, filed a lawsuit in the United States District Court for the District of Columbia(now entitled Civil 74-185 in this district). On April 4, 1974, District Court Judge William B. J nes ordered that the action be transferred to the United States District Court for the Western District of New York.

Therefore, at this time both lawsuits are pending in this district.



Although the workding of the complaints is not exactly the same and plaintiff has added additional parties in the District of Columbia suit, nevertheless, the relief sought is essentially the same. Plaintiff alleges in his complaint in Civil 74-185:

> This lawsuit was filed in the Western District of U. S. Court For New York State, on Dec. 27 1971, Docket No. Civil 1971-592...

Defendants move for an order dismissing Civil action 1974-185, arguing that the existence of identical actions pending in the same district will result in confusion and impose upon the court and counsel unnecessary and overlapping burdens. It appears to the court that there is no just or practical reason why the two lawsuits should proceed at the same time. In discretion, the motion of defense to dismiss Civil 74-185 is denied at the present time. However, any further proceedings in Civil 74-185 are stayed until further order of the court, and defendants' time to answer or to move is extended until further order. Plaintiff may amend his complaint, add additional parties and allege additional facts in Civil 1971-592 as provided for in the order of



March 29, 1974. Plaintiff's motion for Summary judgment is Civil 74-185 is denied. If plaintiff desires an extension of time to file his amended complaint in civil 71-592, application may be made to the court upon notice to the defendants.

So ordered.

/s/ JOHN T. CURTIN
United States District
Judge

DATED; May 6, 1974.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK

---

REV. DONALD L. JACKSON

Plainitff

-against- Civil No. 74-185

THE STATLER FOUNDATION, etal

MOTION

Defendants

---

SIRS:

PLEASE TAKE NOTICE, that plaintiff, will move the Court on 5th Day of August 1974, at 10:00 a. m. in the forenoon, or as soon thereafter as counsel can be heard for this Court to Appoint a Three-Judge-Court, pursuant to 28 U.S.C. Section 2281 and 2282 and the Voting Rights Act. At U. S. Courthouse.
That United States Supreme Court held in the case:

Connor v. Johnson 402 U. S. 690, 691
"A decree of the United States District Court is not within reach of Section 5 of the Voting Right Act."

Therefore any and all decision in this case must be reviewed by three-judge-court, and for such other and further relief as to this Court may seem just and proper, and for the Court to Reverse itself in its dismissal of Plaintiffs Motion for Summary Judgment, and to grant the full Summary Judgment.

6-f

Dated: July 30, 1974
Buffalo, New York

/s/ REV. DONALD L. JACKSON

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

---

REV. DONALD L. JACKSON
Plaintiff

-vs- Civil No 1974-185

THE STATLER FOUNDATION, et al
Defendants

---

Proceedings held before the Hon. John T. Curtin, United States District Judge, in Part I, United States Court House, on August 5, 1974.

Appearance: Rev. Donald L. Jackson
Plaintiff herein appearing pro se.

JOHN T. ELFVIN, United States Attorney, by Theodore Burns, Assistant United States Attorney, appearing for the Defendant United States of America.

JAECKLE, FLEISCHMANN & MUGEL, Attorneys for the Defendant Julyia R and Estelle L. Foundation, Peter J. Brevoka, Esq of Counsel

THE COURT: Mr. Burns, do you have the order at hand in the other file?

MR. BURNS: No, your Honor, but there was an order of this Court I think dated May 6th in which all further action pending in the case now before the Court was to be deferred until other issues -- -

MR. JACKSON: What case are you appear- for now, Sir?

MR. BURNS: And, your Honor, I might point out - - -

THE COURT: Wait a minute, This is Mr. Burns. He is an Assistant United States Attorney. Your motion in 1974-293 against the United States of America ---

MR. JACKSON: That's the one.

THE COURT: Mr. Burns appears today.

MR. BURNS: No. we do not appear.

THE COURT: You do not appear.

MR. BURNS: We do not appear. We are not a party in this particular case, 74-293.

THE COURT: Oh.

MR. BURNS: Although we did receive a copy of this motion, as I say, we are not a party in this particular action.

THE COURT: Mr. Jackson, didn't I stay all proceedings in this case 74-293 until the issues in the other case were resolved?

MR. JACKSON: No your Honor. This is the

first time this case has been in this court. The only reason this is here for today is to ask for the appointment of a three-panel-judge to hear this case.

THE COURT: All right.

MR. JACKSON: Title 5 of the 1969 Civil Rights Act says that a three panel judge upon request will be - - -

THE COURT: Mr. Jackson, I have your motion, You have the prior order of the Court here.

MR. JACKSON: Not on this case, your Honor.

THE COURT: All right. I have your papers and I will consider it.

MR. JACKSON: All right. you have another case, the one you just had reference to, 185.

THE COURT: There is nothing on 185 before me today.

MR. JACKSON: Oh, yes. I filed a motion on both cases.

THE COURT: You have an attorney on 185.

MR. JACKSON No, I do not. I represent 185 myself.

THE COURT: David Yellen.

MR. JACKSON: He represents 592.

THE COURT: Well, the only case we have on the calendar this morning is 74-293.

MR. JACKSON: I filed both papers at the same time.

THE COURT: What is that 185 about?

MR. JACKSON: That's the one he had reference to that you are continually referring to. 185 is against the 13 tax exempt foundations, the United States Attorney, the Internal Revenue Service and a couple of others.

THE COURT: Doesn't Mr. Yellen represent you in that case?

MR. JACKSON: He represents 592. These are two separate cases. Now you keep saying there is one.

THE COURT: Three.

MR. JACKSON There is two cases referring to tax exempt organizations, This court doesn't have jursidiction over either one of those cases. Only a three panel judge can rule on those two cases. Then the third case is 293. That's the one against the United States and the State of New York and nothing but a three judge court can rule on that or the Court of Appeals and this morning I am asking a three panel judge be

appointed on both cases. There is 133 days expired and there is only 20 days supposed to expire.

THE COURT: We have another attorney. Your name, please?

MR. BERVORKA: Peter Bervorka, from Jaeckle, Fleischmann, representing the Julia R. and Estelle L. Foundation, We are one of the 13 defendants, foundations that he sued in 74-185. That was the suit brought in the District of Columbia that was transferred up here.

THE COURT: Oh, I see, 185, That's how we get the number 185. Was that the number in the District of Columbia?

MR. BERVORKA: No I think it was 74-499, something like that.

MR. JACKSON: Yes 74-499 was District Columbia. This number here is 74-185, but a three panel judge in this case is not an arguable matter because ---

THE COURT: This is an entirely new lawsuit.

Mr. Jackson: No.

THE COURT: 74-439, wasn't that the one in the District of Columbia?

MR.. JACKSON: 74-499 is 293.

MR. BERVORKA: After the Second Circuit reversed and remanded Mr. Jackson filed suit down in the District of Columbia pro se and it was transferred here. It was transferred up here by the District of Columbia.

MR. JACKSON: You are referring to the wrong case, I think.

THE COURT: Okay. We also have 75-185. You are appearing in 74-185.

MR. BERVORKA: Yes Judge.

THE COURT: 74-185, that was the suit against the foundations which you filed in the District of Columbia.

MR. JACKSON; Yes, your Honor.

THE COURT: Further proceedings, Mr. Bervorka, am I correct, am I not, in saying that further proceedings in this case were stayed?

MR. BERVORKA: Yes, your Honor.

THE COURT: I would adhere to the order in that case. That is stayed. Now in 74-293, this is an action you bring pro se against

MR. JACKSON; Your Honor, on this one you say the order stays, that section come under 5 of the 1965 Voting Rights Act and the law states that the District Court does not have

jurisdiction to make any kind of decision other than to appoint a three-panel-court. That was carried to the United States Supreme Court and was upheld in the case I quoted to you in the case of Carter vs Johnson.

THE COURT: Wait a minute. You are talking about 74-293, Donald Jackson against United States - - -

MR. JACKSON: No, Sir. I am talking about 185, your Honor. That's a section 5 matter.

THE COURT: All right. If you don't agree with my order in that case staying proceedings you may appeal it, Mr. Jackson

MR. JACKSON: I shall do so tomorrow.

MR. BURNS: Might I note in that case we are not a party.

THE COURT: You are not a party.

MR. BURNS: in 74-185.

THE COURT: All right. In Donald Jackson against United States , 74-293 you now move for the appointment of a three judge court in that case.

MR. JACKSON: Yes sir.

MR. BURNS: And, your Honor, again the United States is not a party in that case.

THE COURT: You are named.

MR. BURNS: We might be named but we have not been served.

THE COURT: You are named but you have not been served. All right.

MR. JACKSON: You were served the papers in that case. We have the return on that.

THE COURT: You can look at the file and determine whether service is made. No appearance by the United States or by the State of New York. We will return at 11 for the calling of the civil calendar.

MR. JACKSON: What is your decision on that now?

THE COURT: I am not making any decision, Mr. Jackson. You may determine whether or not the service was properly made.

I HEREBY CERTIFY THAT THIS RECORD IS TRUE AND ACCURATE TRANSCRIBE FROM STENOGRAPHIC NOTES IN THIS PROCEEDINGS

/s/ H. T. NOEL
Official Reporter
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

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REV. DONALD L. JACKSON

Plaintiff

-vs-

Civil 1971-592

THE STATLER FOUNDATION, et al.

Defendants

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On March 11, 1974 the court considered the plaintiff's motion to amend his complaint to add additional parties as defendants. No serious objection was interposed to the request of plaintiff to amend his complaint. The court orders that the plaintiff may amend his complaint in the form proposed. Pursuant to Section 21 of the Federal Rules of Civil Procedure, the plaintiff may add the additional defendants set forth in his motion. Serive of the SUMMONS AND COMPLAINT SHALL BE MADE UPON THE ADDITIONAL NAMED DEFENDANTS NOT LATER THAN APRIL 15, 1974. A copy of this order shall be served upon all additional defendants, along with the summons and complaint.

The time for all defendants to respond to the amended complaint by answer or motion is extended until July 29, 1974. Any Motion shall be made returnable on that day. The defense right to interpose any motion under the rules is deferred until that time

So ordered.

/s/ JOHN T. CURTIN

March 29, 1974. U. S. District Judge

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As it was pointed out on Page 8 of Petition for Writ of Certiorari a secret Order from Judge Curtin's office to U. S. Marshall's not to serve the papers until after the April 15th date, which was done to give the defendants a defense against Petitioners papers.

Also I forgot to point out that one of the Law Clerk's in Judge Curtins office was also a member of one of the defendants Law firms. Petitioner did not have such infulence.